THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:18245 OF 2005

DATED.18.08.2005

Between:

S.Rajasekhar Reddy, S/o.S.Rami Reddy,

Aged about 32 years, Lecturer in Chemistry,

Nedurumalli Balkrishna Reddy Science and Arts College,

(N.B.K.R.S.&A College), Vidyanagar Village,

Kota Mandal, Nellore District. and four others.

……PETITIONERS

AND

The Government of Andhra Pradesh,

Higher Education (CE.II.1) Department,

Secretariat Buildings, Hyderabad, rep. by its

Principal Secretary. And two others.

……RESPONDENTS

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ORDER

This Writ Petition is filed by the petitioners, who are five in number, seeking writ of Mandamus declaring the inaction of the respondents in absorbing the petitioners herein in the existing aided vacancies of lecturers in the third respondent college and in releasing the grant-in-aid attached to the posts from the date of their initial appointments, as arbitrary, illegal, discriminatory and violtive of the provisions of the A.P. Education Act and the Rules made thereunder, and consequently sought for a direction to the respondents to pass orders absorbing the petitioners as well as for releasing the grant-in-aid.

According to the petitioners, they are possessing the eligibility qualifications for being appointed as lecturers. The third respondent issued a notification inviting applications in the year 2000 for recruitment of filling up of the posts of lecturers on consolidated pay. It is stated that a regular selection process was completed by the properly constituted selection committee including the representative of the Government as well as the University and as per the selections, the petitioners were appointed, may be, initially on consolidated basis, but against the clear aided vacancies available as on that date. It is their further case that they are being continued as on the date in the posts in which they were appointed discharging the duties of regular lecturers. It is further stated that the third respondent has forwarded the list of lecturers, who were working in the third respondent college, who were not absorbed against the regular vacancies, for appropriate orders for absorption as well as for releasing the grant-in-aid, to the second respondent. But, however, the second

respondent did not pass any orders. Therefore, the petitioners have come up with the present Writ Petition.

At the time of hearing, it is represented by the learned counsel for the petitioners that with reference to the similarly placed persons in respect of other colleges, orders were passed by the second respondent absorbing the lecturers appointed in unaided posts with reference to S.S.N.N. College, Narsaraopet, Guntur District absorbing as many as seven lecturers. Similarly, it is stated that under memo No.98, dated 21.8.2001 the Government passed orders granting even relaxation with reference to the selection procedure in respect of as many as 70 lecturers, who were absorbed under various proceedings. Therefore, the denial of similar benefit to the petitioners would amounts to discrimination and therefore, sought for appropriate orders.

On the other hand, the learned Government Pleader for Higher Education contended that as the petitioners were originally appointed on consolidated basis, they may not be entitled for the benefits on par with other cases, which are referred to by the petitioners. However, it is stated that as the petitioners made a representation, suitable directions may be given to dispose of the same.

Heard both sides and considered the material on record.

The grievance of the petitioners is that they were not absorbed against the regular aided vacancies and the grant-in-aid was not released in their favour even though they were appointed by regular selection process as early as in the year 2000 and have been continuing in clear aided vacancies. It is also their case that the third respondent has already sent proposals for absorption of the petitioners as well as for release of the grant-in-aid.

Under the above circumstances, the Writ Petition is disposed of directing the respondents 1 and 2 to consider the proposals forwarded by the third respondent to the second respondent and pass appropriate orders expeditiously, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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S. ANANDA REDDY,J

18TH AUGUST 2005

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